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| 10/031,888      | 03/05/2002  | Hans Ulrich Stauber  | FRR-12920           | 8221             |

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EXAMINER

HAUGLAND, SCOTT J

ART UNIT PAPER NUMBER

3654

DATE MAILED: 11/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/031,888

Applicant(s)

STAUBER, HANS ULRICH

Examiner

Scott Haugland

Art Unit

3654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 31 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-10, 12 and 14-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10, 12 and 14-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-10, 12, and 14-16 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The original application does not disclose that the number of positioning device is considerably smaller than the number of roll supports and the number of primary transport paths as recited in claim 1, lines 25-27.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-10, 12, and 14-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, lines 12-13, the phrase "on each primary transport path ... a plurality of the storage places;" is incomplete. It is assumed that --is located-- follows "storage places".

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-10, 12, and 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Herrmann (U.S. Patent No. 6,264,133) in view of Vainio et al (U.S. Pat. No. 5,286,157) and Ach et al (U.S. Pat. No. 3,887,097).

Herrmann discloses an installation for intermediate storage of flat articles comprising: a number of passively displaceable roll supports 3, 3', a number of winding stations W, a number of storage places for roll supports L, a number of primary transport paths (extending in the Y direction parallel to rails 22 in Fig. 5) each having an entrance of one of the winding stations or a plurality of the storage places, a secondary transport path (extending in the X direction in Fig. 5), a number of positioning devices (20, 21, and associated structure for supporting and driving them along rails 22) which travel along the primary transport paths with the roll supports arranged on front sides of the positioning devices, and an orienting device (22 and associated mechanism for

orienting and driving in the X direction) which travels along the secondary transport path.

Herrmann does not disclose that the orienting device has a first selectively openable side face for receiving and releasing one of the positioning devices and the positioning devices are able to actively drive onto and off of the orienting device from or to a primary transport path.

Vainio et al teaches providing a storage installation having positioning devices 3 movable along primary paths and an orienting device 2 movable along a secondary path with positioning devices 3 that are able to actively drive onto and off of the orienting device.

Ach et al teaches providing an orienting device 3 for transporting positioning devices 8 with a selectively openable side face 9. An opposite side face is closed (note Fig. 1).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide Herrmann with positioning devices that are able to actively drive onto and off of the orienting device as taught by Vainio et al to improve handling efficiency. It would have been further obvious to provide an orienting device having a selectively openable side face as taught by Ach et al to facilitate loading and unloading of the positioning device and to confine the positioning device during movement of the orienting device.

With regard to claim 6, it would have been obvious to support the orienting device by suspending it from a supporting beam since it is old and well known to support elevating devices by suspending them from supporting beams.

With regard to claim 8, it would have been obvious to make the orienting device capable of transporting and rotating two positioning devices together to increase handling capacity.

### ***Response to Arguments***

Applicant's arguments filed 8/31/06 have been fully considered but they are not persuasive.

Applicant argues that neither Herrmann or Lehrieder et al suggests an orienting device having a side that may be opened and a closed side. However, Ach et al teaches such a structure for handling a positioning device.

Applicant argues that neither Herrmann or Lehrieder et al discloses a number or primary transport paths extending from two sides of a secondary transport path and on each of which is either an entrance to one of the winding stations or a plurality storage places. However, Herrmann discloses plural storage places along primary paths (note left side of Fig. 4). By definition, the primary paths are those containing plural storage places or an entrance to a winding station, so each primary path in Herrmann meets the requirements of the primary paths in claim 1. In addition, Vainio et al teaches an arrangement of primary and secondary paths that meet the limitation of the paths recited in claim 1.

Applicant argues that neither Herrmann or Lehrieder et al discloses a positioning device that is an elevating truck or forklift as recited in claim 3. However, the positioning devices in Herrmann elevate the loads and read on the language of claim 3. Additionally, Vainio et al teaches positioning devices comprising forklifts.

Applicant argues that neither Herrmann or Lehrieder et al discloses a plurality of chain hoists as required by claim 12. However, such structures are old and well known for driving elevating devices and the like and it would have been obvious to an ordinary artisan to employ them for driving the elevating device of Herrmann as modified by Vainio et al.

Applicants argue that the references do not disclose a tertiary transport path as recited in claim 15. However, both Herrmann and Vainio et al disclose tertiary transport paths since they both elevate and lower the positioning devices.

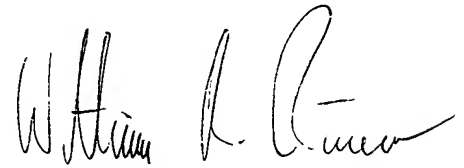
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Haugland whose telephone number is (571) 272-6945. The examiner can normally be reached on Monday - Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki can be reached on (571) 272-6951. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3654

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

*sjh*  
sjh  
11/6/06



**WILLIAM A. RIVERA  
PRIMARY EXAMINER**